

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DIDION MILLING, INC.,

Plaintiff,

v.

CASE NO. 05-CV-227

AGRO DISTRIBUTION, LLC.,
Defendant.

AMENDED FINAL JUDGMENT

Pursuant to the Court's Decision and Order filed March 2, 2007, and Order on Pending Motions filed August 17, 2007,

IT IS HEREBY ORDERED that judgment is hereby entered in this case as follows:

1. Plaintiff's Complaint is dismissed with prejudice;
2. Defendant is entitled to judgment on Counts I, II, III (Paragraph No. 29 only) and IV of its Counterclaim;
3. Counts III (except Paragraph No. 29), V and VI of Defendant's Counterclaim are dismissed with prejudice;
4. Defendant is the lawful assignee of the Asset Purchase Agreement at issue in this case and is entitled to enforce that contract against Plaintiff;
5. Plaintiff and its attorneys shall immediately release to Defendant the funds held in trust by Plaintiff's attorneys pursuant to the Asset Purchase Agreement in the amount of \$311,371.00;
6. Defendant is entitled to a money judgment against Plaintiff for the following amounts:

Past Rent	\$ 5,250.00
Installation of Meter	<u>\$ 6,000.00</u>
TOTAL	\$ 11,250.00;
7. Defendant is entitled to recover prejudgment interest in the amount of \$2,935.70, plus \$1.54 per day from September 1, 2007, through the date of entry of judgment; and
8. Defendant's motion for the recovery of attorney fees in the amount of \$163,265.00 and costs in the amount of \$29,717.95 is granted.

Dated at Milwaukee, Wisconsin this 16th day of November, 2007.

s/AARON E. GOODSTEIN
U.S. Magistrate Judge